

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

United States of America,

Case No.: 2:24-cr-00092-CDS-MDC

Plaintiff

Order Denying Stipulations
to Continue Trial

v.

Eliseo Duran,

[ECF Nos. 12, 14, 15]

Defendant

Defendant Eliseo Duran was arraigned on the indictment on May 10, 2024, at which time trial was set for July 15, 2024. *See* Min. of Proceedings, ECF No. 7. On June 7, 2024, the parties filed their first stipulation to continue the trial date, to begin no sooner than sixty days past July 15. ECF No. 12.¹ The stipulation states that Duran “agrees to the continuance,” which is sought “to explore a pretrial resolution.” *Id.* at 1. However, the stipulation and accompanying proposed order submitted by the parties does not discuss the Speedy Trial Act, which establishes that trial must commence within 70 days from the date the indictment was filed or from the date the defendant appears before the court. Speedy Trial Act, Title 18, U.S.C. § 3161(c)(1).

The Speedy Trial Act also includes an ends of justice provision, allowing for the exclusion of time where a district court finds “that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.” 18 U.S.C. § 3161(h)(7)(A). In determining whether “the ends of justice outweigh the best interest of the public and the defendant in a speedy trial[,]” the district court must evaluate, among others, several enumerated factors. *Id.* at (h)(7)(B)(i)–(iv).

¹ Duran subsequently filed the same stipulation and proposed order. ECF Nos. 14, 15.

1 Because the stipulation fails to cite or discuss any of the speedy trial factors, it fails to
2 provide any basis to exclude time under the provisions of the Act. Consequently, I cannot find
3 good cause to grant their request to continue. Therefore, the first stipulation to continue trial
4 [ECF Nos. 12, 14, 15] are DENIED without prejudice.

5 Dated: June 17, 2024

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7 Cristina D. Silva
8 United States District Judge

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